

AMENDED IN SENATE AUGUST 24, 2006

AMENDED IN SENATE AUGUST 9, 2006

AMENDED IN SENATE JUNE 26, 2006

AMENDED IN ASSEMBLY JANUARY 4, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

## ASSEMBLY BILL

**No. 523**

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**Introduced by Assembly Member ~~Umberg~~ Liu**  
**(Coauthors: Assembly Members Daucher and ~~Tran~~, Tran, and**  
***Umberg*)**

February 16, 2005

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An act to ~~amend Sections Section 81450 of~~ *add Section 81450.1 to* the Education Code, relating to community colleges.

### LEGISLATIVE COUNSEL'S DIGEST

AB 523, as amended, ~~Umberg~~ *Liu*. Community college districts: sale of property.

(1) Existing law authorizes the governing board of a community college district to sell for cash, to the highest bidder, any personal property belonging to the district if the property is not required for school purposes, if it should be disposed of for the purpose of replacement, or if it is unsatisfactory or not suitable for school use.

This bill would specifically authorize the governing board of a community college district to sell, for less than fair market value, a nonprofit educational television station licensed by the Federal Communications Commission (FCC) *and located in Orange County* that the district deems to be surplus property of the district, to a nonprofit organization seeking a nonprofit educational FCC license

for the purpose of qualifying for Corporation for Public Broadcasting grants ~~in the public broadcasting system~~, if the governing board adopts a resolution, as prescribed.

(2) *A provision of the California Constitution requires that a local or a special statute is invalid in any case if a general statute can be made applicable.*

*This bill would express the finding and declaration of the Legislature that, due to the unique circumstances relating to the proposed sale, by a community college district, of a nonprofit educational television station located in Orange County, a general statute cannot be made applicable, and the enactment, as a special statute, of the provision described in (1) above is therefore necessary.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 81450.1 is added to the Education Code,  
2     to read:

3     81450.1. Notwithstanding any other provision of this article,  
4     the governing board of a community college district may sell, for  
5     less than fair market value, a nonprofit educational television  
6     station licensed by the Federal Communications Commission and  
7     located in Orange County that the district deems to be surplus  
8     property of the district, to a nonprofit organization seeking a  
9     nonprofit educational Federal Communications Commission  
10    license for the purpose of qualifying for Corporation for Public  
11    Broadcasting grants, if the governing board adopts a resolution  
12    stating that the district, for that purpose, will sell or transfer such  
13    a property, for less than fair market value, to a nonprofit  
14    organization seeking a nonprofit educational Federal  
15    Communications Commission license.

16    SEC. 2. The Legislature finds and declares that, due to the  
17    unique circumstances relating to the proposed sale by a  
18    community college district of a nonprofit educational television  
19    station located in Orange County, a general statute cannot be  
20    made applicable, and the enactment of Section 81450.1 of the  
21    Education Code by Section 1 of this act as a special statute is  
22    therefore necessary.

1     ~~SECTION 1. Section 81450 of the Education Code is~~  
2     ~~amended to read:~~

3     ~~81450. (a) The governing board of a community college~~  
4     ~~district may sell for cash any personal property belonging to the~~  
5     ~~district if the property is not required for school purposes, if it~~  
6     ~~should be disposed of for the purpose of replacement, or if it is~~  
7     ~~unsatisfactory or not suitable for school use. There shall be no~~  
8     ~~sale until notice has been given by posting in at least three public~~  
9     ~~places in the district for not less than two weeks, or by~~  
10    ~~publication for at least once a week for a period of not less than~~  
11    ~~two weeks in a newspaper published in the district and having a~~  
12    ~~general circulation there; or, if there is no such newspaper, then~~  
13    ~~in a newspaper having a general circulation in the district; or, if~~  
14    ~~there is no such newspaper, then in a newspaper having a general~~  
15    ~~circulation in a county in which the district or any part thereof is~~  
16    ~~situated. The board shall sell the property to the highest~~  
17    ~~responsible bidder, or shall reject all bids.~~

18    ~~(b) The governing board may choose to conduct any sale of~~  
19    ~~personal property authorized under this section by means of a~~  
20    ~~public auction conducted by employees of the district or other~~  
21    ~~public agencies, or by contract with a private auction firm. The~~  
22    ~~board may delegate to the district employee responsible for~~  
23    ~~conducting the auction the authority to transfer the personal~~  
24    ~~property to the highest responsible bidder upon completion of the~~  
25    ~~auction and after payment has been received by the district.~~

26    ~~(c) Notwithstanding any other provision of this article, the~~  
27    ~~governing board of a community college district may sell, for~~  
28    ~~less than fair market value, a nonprofit educational television~~  
29    ~~station licensed by the Federal Communications Commission that~~  
30    ~~the district deems to be surplus property of the district, to a~~  
31    ~~nonprofit organization seeking a nonprofit educational Federal~~  
32    ~~Communications Commission license for the purpose of~~  
33    ~~qualifying for Corporation for Public Broadcasting grants in the~~  
34    ~~public broadcasting system, if the governing board adopts a~~  
35    ~~resolution stating that the district, for that purpose, will sell or~~  
36    ~~transfer such a property, for less than fair market value, to a~~  
37    ~~nonprofit organization seeking a nonprofit educational Federal~~  
38    ~~Communications Commission license.~~

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